

25. Please provide copies of all briefings or disclosures Verizon provided to the financial community regarding the financial implications of deploying NGDLC architecture in the Verizon footprint.

VZ OBJECTION:

See General Objections.

VZ REPLY:

Subject to its previously filed Objections and without waiver of same, Verizon Virginia states that it has not provided or disclosed to the financial community any specific financial implications of deploying NGDLC within its footprint.

GROUND'S FOR MOTION TO COMPEL:

While "Verizon Virginia" may not have made any disclosures to the financial community, Verizon may very well have done so. In fact, at Verizon's website, there is an entire section devoted to information for investors regarding company profile, stock information, news and events, etc. See <http://investor.verizon.com/>. As demonstrated in Sections I and II, above, Verizon Virginia should not be permitted to hide behind the corporate veil when it comes to its network plans.

SUPPLEMENTAL COMMENTS REGARDING RELEVANCE:

Verizon's next-generation loop architecture provides Verizon and its affiliates with an efficient and technically feasible means of allowing both voice and data services to be carried over the same loop. Given the business opportunities which flow from the deployment of NGDLC, it is highly likely that Verizon or VADI/VADVA made statements to the financial community regarding the financial implications of deploying this architecture. See, e.g., Presentation of Ivan Seidenberg at the Sanford C. Bernstein Strategic Decisions Conference, June 6, 2001, discussed *supra*.²² Presuming that the statements demonstrate the value to be received from this deployment, AT&T and the Commission will be better able to understand the importance of non-discriminatory access to NGDLC architecture at commercially reasonable rates, terms, and conditions.

²² While AT&T was able to locate this presentation on Verizon's investor website, not all briefings or disclosures to the financial community will necessarily be available on that website. Verizon should be required to provide the requested information to AT&T.

AT&T 1-26. Has Verizon performed or otherwise obtained any analyses that assess the loop lengths for which NGDLC deployment is cost effective? If so, please provide copies.

VZ OBJECTION:

See General Objections.

VZ REPLY:

Subject to its previously filed Objections and without waiver of same, Verizon Virginia responds as follows:

Verizon's deploys DLC based on POTS considerations. This is not related to the "NGDLC" loop architecture referenced in Verizon's Reply to AT&T 1-20.

GROUND FOR MOTION TO COMPEL:

Verizon's response is a non sequitur. AT&T asked whether Verizon performed analyses regarding the cost-effectiveness of NGDLC deployment. Verizon responded that it deploys DLC based on POTS considerations. This is not an answer to the question posed. Quite simply, Verizon should be required to respond to the question posed.

VZ AMENDED REPLY PROVIDED JULY 12, 2001

Subject to its previously filed Objections and without waiver of same, Verizon Virginia responds as follows:

As explained in the answer to request 1-20, the factors affecting the decision whether to deploy Litespan, rather than provide copper facilities, include comparing the cost of installation to the projected benefit of narrowband demand. Verizon Virginia uses long term life cycle cost/benefit analysis concepts in making these decisions. The decision is, however, primarily a product selection decision.

Some generic rules still apply to fiber deployment that are effectively related to Carrier Serving Area Design Concepts which essentially provide for fiber/DLC beyond 9000 ft from the central office. However, the primary drivers for DLC deployment are to serve those customers that would, under normal resistance design requirements, require loaded facilities (*i.e.*, greater than 18,000 feet from the office) and those locations that represent entirely new construction where copper facilities do not currently exist.

SUPPLEMENTAL COMMENTS REGARDING RELEVANCE:

In addition to being relevant to Issue V-6, Verizon has acknowledged the relevance of the request in providing an amended reply. Unfortunately, the amended

reply is non-responsive and incomplete. Throughout this pleading and particularly in response to AT&T 1-20, AT&T has explained the importance of information regarding NGDLC network architecture, planning and implementation. Verizon's response to this request fails to provide the requested and necessary information. Specifically, this response implies that the type of study AT&T requested in 1-20 has been performed, i.e. a study of whether and how to implement NGDLC architecture. Yet Verizon provides no further details either in response to I-20 or I-26. Moreover, the request is directed at NGDLC, an architecture which allows LECs to provide both voice and advanced services. While Verizon Virginia may technically not be providing advanced services over this equipment today (VADI or VADVA are, according to Verizon), the second paragraph of the response ignores the ability of DLCs to provide advanced services and provides a response that addresses the provision of voice service only. Verizon's amended reply, while better than the initial reply, remains incomplete.

AT&T 1-27. Does Verizon have plans to use NGDLC architecture in connection with the deployment of fiber distribution facilities to or close to the retail customer premises (e.g., "fiber to the curb", "fiber to the home" or "fiber to the neighborhood")? If so, please state such plans for the Verizon footprint.

VZ OBJECTION:

See General Objections.

VZ REPLY:

Subject to its previously filed Objections and without waiver of same, Verizon Virginia states that it has no plans to use the "NGDLC" architecture, as defined in AT&T's Request No. 20, in connection with fiber distribution facilities.

GROUND FOR MOTION TO COMPEL:

Although not specifically stated, Verizon presumably objects to this request because it requests information regarding the deployment of advanced services equipment and the provision of DSL. As demonstrated in Section II, above, this objection is without merit. Verizon is again merely attempting to hide behind the

shield of VADI and VADVA. Verizon's blithe attempts should be rejected. Verizon should be required to respond fully to the question.

SUPPLEMENTAL COMMENTS REGARDING RELEVANCE:

If Verizon plans on using next-generation loop architecture in connection with the deployment of fiber distribution facilities to or close to the retail customer premises, AT&T and the Commission need to know so as to be able to determine rates, terms and conditions that are non-discriminatory and commercially reasonable. *See* Issue V-6. Verizon cannot be permitted to hide planned technology changes so as to prevent their consideration in an on-going arbitration and then, once planned technology changes are finalized and implemented, subject any requesting carriers to extended negotiation and arbitration while Verizon (or its affiliate) utilizes the very same loop technology to lock in customers.

This request is not a fishing expedition. Verizon has filed a request with the Common Carrier Bureau seeking a waiver of the merger order's condition that Verizon incumbent telephone companies, including Verizon -Virginia, not own advanced services equipment at this time. According to the letter, Verizon has a "unique opportunity to deploy fiber-to-the-home technology" in a new community that is being built in Virginia.²³ Verizon further claims that this "equipment allows multiple carriers to send their data signals over individual customer fiber loops." Verizon must be required to provide the details surrounding these plans as well as any other such plans. Without details regarding planned deployment, AT&T cannot assess whether the terms and conditions regarding access to NGDLC architecture will be non-discriminatory and commercially reasonable.

AT&T 1-35. Please state Verizon's definition of what constitutes a packet switch; whether Verizon has deployed any equipment that conforms to this definition of packet switching within any Central Office or remote terminal space owned or controlled by Verizon; and whether there is any Central Office or remote terminal space currently reserved for Verizon (or an affiliate) so that it may deploy such equipment. In addition, please state whether Verizon will permit AT&T to collocate packet switches in its collocations on Verizon's premises. If not, state Verizon's basis for refusing to permit such collocation.

VZ OBJECTION:

See Verizon's Objection to Request No. 30

VZ REPLY:

Based on its previously filed Objections, and the Commission's decision in the UNE Remand Order not to require unbundled packet switching, Verizon Virginia will not respond to this Request.

GROUND FOR MOTION TO COMPEL:

Verizon's own positions in this case acknowledge the ILECs' requirement to provide unbundled packet switching. *See, e.g.,* Verizon Answer to AT&T Petition, Exhibit A, at 140 n 220 ("The Commission required ILECs to provide requesting carriers with access to unbundled packet switching only where the ILEC has placed its DSLAM in a remote terminal. *UNE Remand Order* at ¶ 313."). On the basis of this admission alone, Verizon should be required to respond to this data request and inform AT&T, at a minimum, whether Verizon (in any of its many guises) has placed DSLAMs in remote terminals. Any claim that VADI or VADVA, not Verizon, has placed its DSLAMs in remote terminals should be rejected. *See* Section II, above. A full response AT&T's data request may very well lead to additional relevant information.

SUPPLEMENTAL COMMENTS REGARDING RELEVANCE:

As noted in AT&T's Ground For Motion To Compel, Verizon's own pleadings demonstrate the relevance of a request regarding packet switches. Moreover, Verizon asked AT&T a question about packet switching and noted its relevance to Issue III-10. *See* Verizon Data Request 2-2 to AT&T, *supra*. Finally, in light of the FCC's press release of July 11, 2001, it appears that the FCC will generally allow collocation of

²³ Letter from Gordon R. Evans to Dorothy Attwood, dated April 9, 2001, (attached to cover letter from

switching and routing equipment, including packet switches. FCC Press Release, *FCC Approves Rules Designed to Give New Entrants Access to Incumbent Local Phone Companies' Networks*, Docket No.: CC 98-147, Issued July 12, 2001. Thus, this question is relevant to the terms or conditions that Verizon may seek to impose on the collocation of packet switches.

III. AT&T's Requests For Information Outside Of Verizon-Virginia's Service Territory Are Relevant. Verizon Should Be Required To Produce The Requested Information Promptly.

Verizon operates in a large number of states across a wide footprint. Discovery of Verizon's policies, procedures and experience in jurisdictions other than Virginia is reasonably calculated to lead to information relevant to the adequacy of existing and/or proposed policies and procedures that Verizon offers in Virginia, particularly when it comes to the deployment of advanced services equipment and the provision of advanced services, and the feasibility, cost and reasonableness of providing nondiscriminatory access to those assets and services at just and reasonable prices. With regards to line splitting and line sharing, Issue III-10, Verizon stated in its Answer:

As in Massachusetts, Verizon's proposed contract language will implement line splitting *throughout the footprint*, as required by law, for AT&T and WorldCom in Virginia consistent with the service descriptions, procedures and timelines agreed upon in the New York Collaborative.

Exhibit A to Verizon's Answer, May 31, 2001, at 92 (emphasis added). By Verizon's own admission, it is developing and implementing a solution for the entire Verizon footprint. With that in mind, the efficacy of that solution and its compliance or non-compliance with Verizon's obligation to provide line sharing and line splitting on a non-discriminatory and commercially reasonable terms will certainly be informed by the

Patricia E. Koch to Magalie Roman Salas), at 1, attached hereto as Exhibit 2.

scope of the deployment of advanced services equipment and the provision of advanced services throughout Verizon's footprint as compared to the scope in Virginia.²⁴

Information regarding the size of the DSL market throughout Verizon's footprint is also relevant in light of the rapid expansion of the market. As noted earlier, Verizon's CEO Ivan Seidenberg has acknowledged the growing importance of offering line sharing of both voice and xDSL services to end users and noted that Verizon would be targeting between 1.2 and 1.3 million DSL subscribers by the end of 2001.²⁵ With the number of Verizon's (or VADI's) DSL subscribers increasing so quickly throughout its footprint, information regarding Verizon's efforts throughout the footprint will highlight the critical importance of non-discriminatory access to advanced services equipment on commercially reasonable rates, terms and conditions. Without full and complete answers regarding Verizon's practices and procedures throughout their region, neither AT&T nor this Commission can fully determine the propriety of Verizon's practices within Virginia.²⁶

AT&T will address the specific relevance of each data request in turn.

²⁴ Verizon also acknowledges the relevance of commercial experience from other jurisdictions. On page 129 of Exhibit A to Verizon's Answer, filed May 31, 2001, Verizon stated:

In the context of a trial in another state, Verizon's experience demonstrated that CLECs who gained direct access to Verizon's facilities did not submit accurate reports of their activity.

Because Verizon itself finds it useful to refer to commercial experience in other jurisdictions to support its positions in this jurisdiction, Verizon's objections to AT&T's requests should be dismissed.

²⁵ Presentation of Ivan Seidenberg at the Sanford C. Bernstein Strategic Decisions Conference, June 6, 2001. A copy of the slide presentation can be found at <http://investor.verizon.com/news/index.html>.

²⁶ In its Opposition to AT&T's Motion to Compel, Verizon cited to the decision of a VA SCC Hearing Examiner recommending that evidence of Verizon practices in other jurisdictions be excluded during the hearings regarding the merger of GTE and Bell Atlantic. This Hearing Examiner ruling is inapposite. During the merger hearings, the focus was on whether the merger would harm competition in Virginia. Here, the focus is broader. The question here is what are the non-discriminatory, forward-looking rates terms and conditions to which the Petitioners are entitled under the Telecommunications Act of 1996. Given the different focus of the two proceedings, the VA SCC Hearing Examiner's ruling is not controlling.

AT&T 1-3 Please state, by quarter (from 3Q99 to the present) and by State within the Verizon footprint [footnote omitted], except for Virginia, the number of loops used for retail DSL customers services provided by Verizon (or any Verizon affiliate). Please state your answers separately for former Bell Atlantic and former GTE entities.

AT&T 1-3.a. Please provide the percentage of xDSL (including 2 wire ADSL and 4 wire HDSL) loops for which CLECs requested manual loop qualification during the past 6 months and any support used to develop this response.

AT&T 1-3.b. Please indicate the number of xDSL loops provisioned in the last 6 months that had cooperative testing between Verizon Virginia, Inc. and CLECs other than a Verizon division or affiliate. Please provide the absolute number of, and percentage of xDSL loops (including 2 wire ADSL and 4 wire HDSL) that CLECs requested cooperative testing which had a trouble report filed within 30 days of provisioning.

VZ OBJECTION:

See General Objections.

VZ REPLY:

Based on its previously filed Objections, Verizon Virginia will not respond to this Request.

GROUND FOR MOTION TO COMPEL:

Although not specifically stated, Verizon presumably objects to this request for two reasons: (1) it requests information regarding Verizon's practices outside of Virginia and (2) it requests information regarding the deployment of advanced services equipment. As demonstrated in Sections I and II, above, these objections are without merit.

SUPPLEMENTAL COMMENTS REGARDING RELEVANCE:

The number of xDSL loops Verizon has deployed throughout its footprint will inform AT&T and the Commission as to the size of the DSL market. As noted above, quantifying the scope of the market, both within Virginia and throughout Verizon's footprint, will assist AT&T and the Commission in understanding the significant impact of decisions on the network architecture issues, including, for example, Issue III-10. *See also* AT&T's Supplemental Comments regarding AT&T Data Request 1-2.

The request for manual loop qualification data, if answered completely, will provide an understanding of whether one jurisdiction within Verizon's footprint requires CLECs to submit manual loop qualifications and engineering queries more or less frequently than in other jurisdictions. For example, the responsive data might show that CLECs in Pennsylvania, where Verizon's request for 271 approval is pending, must submit manual loop qualifications less frequently than in Virginia. If Verizon is updating its automated loop qualification database, thus decreasing the need for manual loop qualifications, only in jurisdictions where it is seeking entry into the long distance market, that information may demonstrate that the automated loop qualification database Verizon provides in Virginia is not commercially reasonable.²⁷

As with manual loop qualification, the request for information as to cooperative testing will demonstrate the extent to which CLECs need cooperative testing. If CLECs are requesting cooperative testing more or less in certain states as compared to Virginia, it may demonstrate Verizon's failure to comply with its obligation to provide nondiscriminatory access to advanced services on commercial reasonable rates, terms and conditions. In fact, the very existence of a more automated practice in another state may constitute evidence that a less automated practice in Virginia can no longer be regarded as commercially reasonable or consistent with efficient management.

²⁷ There may be reasons which justify differences between the states. If so, Verizon is free to provide such explanations. However, the potential for substantiated differences does not, in and of itself, justify Verizon's refusal to respond to the request.

AT&T 1-5. Please state, by quarter (from 3Q99 to the present) and by State within the Verizon footprint, except for Virginia, the number of loops over which Verizon supported line sharing, regardless of the provider of DSL capabilities, in the high frequency spectrum of the loop. Please state your answers separately for former Bell Atlantic and former GTE entities.

VZ OBJECTION:

See General Objections.

VZ REPLY:

Based on its previously filed Objections, Verizon Virginia will not respond to this Request.

GROUND FOR MOTION TO COMPEL:

Although not specifically stated, Verizon presumably objects to this request for two reasons: (1) it requests information regarding Verizon's practices outside of Virginia and (2) it requests information regarding the deployment of advanced services equipment. As demonstrated in Sections I and II, above, these objections are without merit.

SUPPLEMENTAL COMMENTS REGARDING RELEVANCE:

The number of loops over which Verizon supported line sharing, regardless of the provider of DSL capabilities, will inform AT&T and the Commission as to the size of this market and will highlight the critical importance of non-discriminatory access to advanced services equipment on commercially reasonable rates, terms and conditions. Moreover, given Verizon's submission of a footprint-wide solution to meet its current obligation to provide line sharing and line splitting, information regarding the scope of deployment throughout the footprint is relevant. *See also* AT&T's Supplemental Comments regarding AT&T Data Request 1-2.

AT&T 1-7. Please state, by quarter (from 3Q99 to the present) and by State within the Verizon footprint, except for Virginia, the number of DSL capable loops Verizon provisioned for DSL service providers (regardless of whether or not the provider is or was affiliated with Verizon) for which Verizon did not provide local service using the low frequency spectrum of the same loop. Also specify how Verizon determined that the loop provided was DSL capable (e.g., based on the NCNCI code supplied by the CLEC on its order for the loop).

VZ OBJECTION:

See General Objections.

VZ REPLY:

Based on its previously filed Objections, Verizon Virginia will not respond to this Request.

GROUND FOR MOTION TO COMPEL:

Although not specifically stated, Verizon presumably objects to this request for two reasons: (1) it requests information regarding Verizon's practices outside of Virginia and (2) it requests information regarding the deployment of advanced services equipment. As demonstrated in Sections I and II, above, these objections are without merit.

SUPPLEMENTAL COMMENTS REGARDING RELEVANCE:

The number of DSL capable loops Verizon provisioned for DSL service providers (regardless of whether or not the provider is or was affiliated with Verizon) where Verizon did not provide local service using the low frequency spectrum of the same loop will inform AT&T and the Commission as to the size of this market today and highlight the critical importance of non-discriminatory access to advanced services equipment at commercially reasonable rates, terms and conditions. *See also* AT&T's Supplemental Comments regarding AT&T Data Request 1-2.

AT&T 1-9. Please state, by quarter (from 3Q99 to the present) and by State within the Verizon footprint, except for Virginia, the number and percentage of Verizon central offices in which Verizon (or any Verizon affiliate) has deployed advanced services equipment, including but not limited to DSLAMs and splitters.

VZ OBJECTION:

See General Objections.

VZ REPLY:

Based on its previously filed Objections, Verizon Virginia will not respond to this Request.

GROUND FOR MOTION TO COMPEL:

Although not specifically stated, Verizon presumably objects to this request for two reasons: (1) it requests information regarding Verizon's practices outside of Virginia and (2) it requests information regarding the deployment of advanced services equipment. As demonstrated in Sections I and II, above, these objections are without merit.

SUPPLEMENTAL COMMENTS REGARDING RELEVANCE:

AT&T has requested the number and percentage of Verizon central offices in which Verizon (or any Verizon affiliate) has deployed advanced services equipment, including but not limited to DSLAMs and splitters. Issue III-10. Obviously, if Verizon or any affiliate were providing DSLAMs and splitters in one jurisdiction, but not in Virginia, that information would be directly relevant to Verizon's compliance or non-compliance with the obligation to provide line sharing and line splitting in a non-discriminatory and commercially reasonable manner. If Verizon can install this equipment in, for example, Maryland, but does not do so in Virginia, it is, at a minimum, arguable that the failure to do so in Virginia is not commercially reasonable. Verizon also acknowledges the relevance of this request for it asked for similar information from AT&T. See Verizon Data Requests 2-9 and 2-10 to AT&T, *supra*. Finally, as noted in

AT&T 1-5, this request will inform AT&T and the Commission as to the size of this market today.

AT&T 1-11. Please state, by quarter (from 3Q99 to the present) and by State within the Verizon footprint, except for Virginia, the number and percentage of collocations established by competitive carriers that Verizon has been informed or has reason to believe contain equipment, including but not limited to DSLAMs and splitters, that a carrier could employ to provide advanced service capabilities, including any form of DSL service. State the basis by which this determination was made, e.g., the NCNCI code associated with one or more loops connecting to the collocation, the disclosure of a PSD for equipment with the collocation. If some other means was used to make such determination, please describe.

VZ OBJECTION:

See General Objections.

VZ REPLY:

Based on its previously filed Objections, Verizon Virginia will not respond to this Request.

GROUND FOR MOTION TO COMPEL:

Although not specifically stated, Verizon presumably objects to this request for two reasons: (1) it requests information regarding Verizon's practices outside of Virginia and (2) it requests information regarding the deployment of advanced services equipment. As demonstrated in Sections I and II, above, these objections are without merit.

SUPPLEMENTAL COMMENTS REGARDING RELEVANCE:

The number and percentage of collocations established by CLECs with advanced services equipment will inform AT&T and the Commission as to the size of this market and will highlight the critical importance of non-discriminatory access to advanced services equipment on commercially reasonable rates, terms and conditions. Moreover, when compared with the response to I-9, the information may show that Verizon today corners this market. That information may justify a finding that Verizon does not currently provide line sharing and line splitting in a non-discriminatory and commercially

reasonable manner. If supported by the data responsive to this request, that conclusion would justify AT&T's proposals regarding line sharing and line splitting in this proceeding and in its interconnection agreement.²⁸

AT&T 1-13. Please provide a histogram for the Verizon footprint showing the average loop length for each area. The abscissa of the histogram should be the electrical length of the loops connecting a Central Office to customer premises broken in 1000 foot increments of electrical length, starting with 0 and incremented by 1000 feet (electrical length) until the longest loop length is surpassed. The ordinate should be the cumulative proportion of 2 wire loops that are equal to or less than the electrical length indicated on the x axis.

VZ OBJECTION:

See Verizon's Objection to Request No. 12. [Verizon's Objection to Request No. 12 states, "See General Objections. Verizon further objects to this Request on the grounds that it does not ask Verizon to produce a document but, rather, to prepare one. Thus, it is not a permissible discovery request."]

VZ REPLY:

Based on its previously filed Objections, Verizon Virginia will not respond to this Request.

GROUND FOR MOTION TO COMPEL:

Although not specifically stated, Verizon presumably objects to this request because it requests information regarding Verizon's practices outside of Virginia. As demonstrated in Section I, above, this objection is without merit. Moreover, Verizon's objection that this question impermissibly requests that Verizon prepare a document is rendered moot by Verizon's response to AT&T 1-12. In response to that request, Verizon provided average loop lengths for each density cell. AT&T will accept the same information for the other Verizon jurisdictions as responsive to this request.

SUPPLEMENTAL COMMENTS REGARDING RELEVANCE:

AT&T's request for a chart showing the average loop length for each area is directly relevant to the ability of Verizon to provide line sharing and line splitting in a non-discriminatory and commercially reasonable manner. The number of loops at each

²⁸ Any concerns Verizon may have regarding the production of third-party information should be disregarded. AT&T does not want the information provided on a CLEC-specific basis. Verizon is free to

length directly impacts the ability of Verizon and CLECs to provide different types of xDSL services to end user customers. The longer the loops, the less efficiently and effectively xDSL services can be provided over those loops. If the responsive information shows that Verizon's loops in jurisdictions other than Virginia are more favorable to various xDSL services, it may call into question whether Verizon in fact provides non-discriminatory access to advanced services under commercially reasonable rates, terms and conditions. *See* Issue III-10.

AT&T 1-21. Has Verizon considered deploying or actually deployed a next generation digital loop carrier (NGDLC) architecture [footnote omitted] anywhere in Verizon footprint, except for Virginia? If any planning has occurred, provide any documents that draw conclusions or make recommendations regarding whether or not Verizon should move forward with such deployment and the implications of making the deploying including, but not limited to, the opportunity to reduce operating cost, future capital investment and/or increased revenue potential. To the extent that it is not apparent in the foregoing documentation, identify the equipment supplier(s) and equipment model(s) that were considered in the evaluation, particularly with respect to any electronics that might have been considered for deployment in remote terminals. If Verizon has deployed NGDLC loops anywhere within the Verizon footprint, except for Virginia, please identify the number of customer distribution facility pairs connected to this architecture, the number of remote terminals ("RTs") containing equipment with the enabling electronics and the number of different central offices to which these RTs are connected.

VZ OBJECTION:

See Verizon's Objection to Request No. 20.

21.a. Please provide all network planning documents, whether in "draft" or in final form, which relate in any way to the provision of DSL services to customers being served by loops constructed of fiber optic cable and/or digital loop carrier.

produce the information in such a way which does not identify specific CLECs and their collocated equipment.

VZ OBJECTION:

See Verizon's Objection to Request No. 20.

VZ REPLY:

See Verizon's Reply to AT&T 1-20.

GROUND FOR MOTION TO COMPEL:

Although not specifically stated, Verizon presumably objects to this request for two reasons: (1) it requests information regarding Verizon's practices outside of Virginia and (2) it requests information regarding the deployment of advanced services equipment. As demonstrated in Sections I and II, above, these objections are without merit.

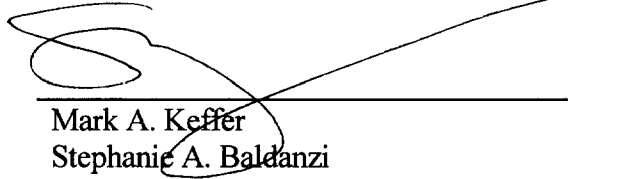
SUPPLEMENTAL COMMENTS REGARDING RELEVANCE:

Unless Verizon is required to respond to AT&T's discovery requests about its current deployment and future plans for NGDLC both in Virginia and in its footprint, neither AT&T nor the Commission will be able to determine whether the interconnection agreement being arbitrated here will permit AT&T (and other CLECs) nondiscriminatory access to Verizon's network elements on commercially reasonable rates, terms and conditions. *See* Issue V-6; *see also* Supplemental Comments Regarding Relevance for AT&T 1-20. The information outside of Virginia is needed to inform AT&T and this Commission as to the extent of deployment in other jurisdictions as compared to Virginia. If Verizon has deployed or plans to deploy more or less NGDLC architecture in other jurisdictions, it may demonstrate that Verizon's provision of facilities and services, including NGDLC architecture, in Virginia is not commercially reasonable.

V. Conclusion.

AT&T has shown that VZ has attempted to hide behind specious objections and woefully inadequate responses rather than attempt to respond in any meaningful sense. AT&T has tried to get to the root cause of VZ's objections and AT&T's efforts at good faith negotiations have been less than productive. Such practice burns limited time and resources, it diverts AT&T from pursuing more productive tasks, and it burdens the Commission with having to resolve such disputes. The Commission should end VZ's "standard operating procedure" of stonewalling by compelling VZ to respond fully to all data requests addressed here.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark A. Keffer', is written over a horizontal line. The signature is stylized with a large, looping initial 'M'.

Mark A. Keffer
Stephanie A. Baldanzi
AT&T
3033 Chain Bridge Road
Oakton, Virginia 22185
703 691-6046 (voice)
703 691-6093 (fax)

June 4, 2001

BY HAND

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

KELLY L FAGLIONI
DIRECT DIAL: 804 • 788 • 7334
EMAIL: kfglioni@hunton.com

FILE NO: 46001.000278

WorldCom, Cox, and AT&T ads. Verizon
CC Docket Nos. 00-218, 00-249, and 00-251

Dear Ms. Salas:

Enclosed for filing on behalf of Verizon, please find four copies of Verizon's Objections to AT&T's First Set of Data Requests.

Please do not hesitate to call me with any questions.

Sincerely,

Kelly L. Faglioni
Counsel for Verizon

KLF/ar
Enclosures

VK08

Ms. Magalie R. Salas

June 4, 2001

Page 2

cc: Dorothy T. Attwood, Chief, Common Carrier Bureau (8 copies) (by hand)
David Levy, counsel for AT&T (by hand)
Mark A. Keffer, counsel for AT&T (by hand)

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
Petition of WorldCom, Inc. Pursuant)	
to Section 252(e)(5) of the)	
Communications Act for Expedited)	
Preemption of the Jurisdiction of the)	CC Docket No. 00-218
Virginia State Corporation Commission)	
Regarding Interconnection Disputes)	
with Verizon Virginia Inc., and for)	
Expedited Arbitration)	
)	
In the Matter of)	
Petition of Cox Virginia Telecom, Inc.)	
Pursuant to Section 252(e)(5) of the)	
Communications Act for Preemption)	CC Docket No. 00-249
of the Jurisdiction of the Virginia State)	
Corporation Commission Regarding)	
Interconnection Disputes with Verizon)	
Virginia Inc. and for Arbitration)	
)	
In the Matter of)	
Petition of AT&T Communications of)	
Virginia Inc., Pursuant to Section 252(e)(5))	CC Docket No. 00-25 1
of the Communications Act for Preemption)	
of the Jurisdiction of the Virginia)	
Corporation Commission Regarding)	
Interconnection Disputes With Verizon)	
Virginia Inc.)	

**VERIZON VIRGINIA INC.'S OBJECTIONS
TO AT&T'S FIRST SET OF DATA REQUESTS**

In accordance with the *Procedures Established for Arbitration of Interconnection Agreements Between Verizon and AT&T, Cox and WorldCom*, CC Docket Nos. 00-2 18, 00-249, 00-251, DA 01-270, Public Notice (CCB rel. February 1, 2001), Verizon Virginia Inc. ("Verizon") objects as follows to the First Set of Data Requests served on

Verizon by AT&T Communications of Virginia ("AT&T") on the evening of May 3 1, 2001.'

GENERAL OBJECTIONS

1. Verizon objects to AT&T's Data Requests to the extent that all or any of them seek confidential business information covered by the agreed-to Protective Order jointly submitted by the Parties.² Such information will be designated and produced in accordance with the terms of the Protective Order.

2. Verizon objects to AT&T's Data Requests to the extent that all or any of them seek attorney work product or information protected by the attorney-client privilege.

3. Verizon objects to AT&T's Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, seek information that is neither relevant to this case nor likely to lead to the discovery of admissible evidence, or otherwise seek to impose upon Verizon discovery obligations beyond those required by 47 CFR § 1.3 11 *et seq.*

4. Verizon objects to AT&T's Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, are overly broad and unduly burdensome.

¹ The above-cited Public Notice states that "parties shall negotiate diligently and in good faith concerning any discovery dispute prior to the filing of any objection." *Public Notice* at 6. AT&T served these requests after the close of business on Thursday evening, May 3 1. The deadline for filing these objections is Monday, June 4, and the deadline for responding to these requests is June 15. Counsel for Verizon contacted counsel for AT&T on June 4 and explained the nature of these objections. Verizon will continue to negotiate in good faith with AT&T between now and June 15 before refusing to answer on the basis of any of the objections stated herein.

² On April 2, 2001, the Parties jointly submitted, in a by-hand filing, an agreed-to Protective Order. To Verizon's knowledge, that Order remains pending before the Commission for adoption and release.

5. Verizon objects to AT&T's Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, seek information from independent corporate affiliates of Verizon Virginia Inc., or from board members, officers or employees of those independent corporate affiliates, that are not parties to this proceeding.

6. Verizon objects to AT&T's Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, seek information relating to operations in any territory outside of Verizon Virginia Inc. territory.

7. Verizon objects to AT&T's Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, seek discovery throughout the Verizon footprint. This proceeding involves only Verizon Virginia Inc. and relates only to the terms of interconnection and resale in Virginia. Moreover, as the Commission has assumed the jurisdiction of the Virginia State Corporation Commission in this matter, it has no jurisdiction over Verizon entities that do not conduct business in Virginia. See Memorandum Opinion and Order, *In the Matter of Petition of AT&T Communications of Virginia, Inc. for Preemption Jurisdiction of the Virginia State Corporation Commission Pursuant to Section 252(E)(5) of the Telecommunications Act of 1996*, CC Docket No. 00-251 (January 26, 2001).

SPECIFIC OBJECTIONS

In addition to the foregoing General Objections and without waiver of same, Verizon objects specifically to AT&T's Data Requests as follows:

1. Please provide a copy of all data requests which Verizon submits to other parties to this proceeding and provide a copy of all data responses which Verizon provides to other parties.

OBJECTION: None.

2. Please state, by quarter (from 3Q99 to the present), the number of loops used for retail DSL customers *[sic]* services provided by Verizon (or any Verizon affiliate) in Virginia. Please state your answers separately for former Bell Atlantic and former GTE entities.

OBJECTION: See General Objections.

2.a. Please provide the percentage of xDSL (including 2 wire ADSL and 4 wire HDSL) loops for which CLECs requested manual loop qualification during the past 6 months and any support used to develop this response.

OBJECTION: See General Objections.

2.b. Please indicate the number of xDSL loops provisioned in the last 6 months that had cooperative testing between Verizon-Virginia, Inc. and CLECs other than a Verizon division or affiliate. Please provide the absolute number of, and percentage of xDSL loops (including 2 wire ADSL and 4 wire HDSL) that CLECs requested cooperative testing which had a trouble report filed within 30 days of provisioning.

OBJECTION: See General Objections.

3. Please state, by quarter (from 3Q99 to the present) and by State within the Verizon footprint [footnote omitted], except for Virginia, the number of loops used for retail DSL customers services provided by Verizon (or any Verizon affiliate). Please state your answers separately for former Bell Atlantic and former GTE entities.

OBJECTION: See General Objections.

3.a. Please provide the percentage of xDSL (including 2 wire ADSL and 4 wire HDSL) loops for which CLECs requested manual loop qualification during the past 6 months and any support used to develop this response.

OBJECTION: See General Objections.

3.b. Please indicate the number of xDSL loops provisioned in the last 6 months that had cooperative testing between Verizon-Virginia, Inc. and CLECs other than a Verizon division or affiliate. Please provide the absolute number of, and percentage of xDSL loops (including 2 wire ADSL and 4 wire HDSL) that CLECs requested cooperative testing which had a trouble report filed within 30 days of provisioning.

OBJECTION: See General Objections.

4. Please state, by quarter (from 3Q99 to the present), the number of loops over which Verizon supported line sharing, regardless of the provider of DSL capabilities, in the high frequency spectrum of the loop within Virginia. Please state your answers separately for former Bell Atlantic and former GTE entities.

OBJECTION: See General Objections.

5. Please state, by quarter (from 3Q99 to the present) and by State within the Verizon footprint, except for Virginia, the number of loops over which Verizon supported line sharing, regardless of the provider of DSL capabilities, in the high frequency spectrum of the loop. Please state your answers separately for former Bell Atlantic and former GTE entities.

OBJECTION: See General Objections.

6. Please state, by quarter (from 3Q99 to the present), the number of DSL capable loops Verizon provisioned for DSL service providers (regardless of whether or not the provider is or was affiliated with Verizon) for which Verizon did not provide local service using the low frequency spectrum of the same loop within Virginia. Also specify how Verizon determined that the loop provided was DSL capable (e.g., based on the NCNCI code supplied by the CLEC on its order for the loop).

OBJECTION: See General Objections.

7. Please state, by quarter (from 3Q99 to the present) and by State within the Verizon footprint, except for Virginia, the number of DSL capable loops Verizon provisioned for DSL service providers (regardless of whether or not the provider is or was affiliated with Verizon) for which Verizon did not provide local service using the low frequency spectrum of the same loop. Also specify how Verizon determined that the loop provided was DSL capable (e.g., based on the NCNCI code supplied by the CLEC on its order for the loop).

OBJECTION: See General Objections.

8. Please state, by quarter (from 3Q99 to the present), the number and percentage of Verizon central offices in Virginia in which Verizon (or any Verizon affiliate) has deployed advanced services equipment, including but not limited to DSLAMs and splitters.

OBJECTION: See General Objections.

9. Please state, by quarter (from 3Q99 to the present) and by State within the Verizon footprint, except for Virginia, the number and percentage of Verizon central offices in which Verizon (or any Verizon affiliate) has deployed advanced services equipment, including but not limited to DSLAMs and splitters.

OBJECTION: See General Objections.

10. Please state, by quarter (from 3Q99 to the present), the number and percentage of collocations established in Virginia by competitive carriers that Verizon has been informed or has reason to believe contain equipment, including but not limited to DSLAMs and splitters, that a carrier could employ to provide advanced service capabilities, including any form of DSL service. State the basis by which this determination was made, e.g., the NCNCI code associated with one or more loops connecting to the collocation, the disclosure of a PSD for equipment with the collocation. If some other means was used to make such determination, please describe.

OBJECTION: See General Objections. Verizon further objects this

Request on the grounds that AT&T's use of the phrase "has reason to believe" renders the Request vague and/or calls for Verizon to speculate in its response.

11. Please state, by quarter (from 3Q99 to the present) and by State within the Verizon footprint, except for Virginia, the number and percentage of collocations established by competitive carriers that Verizon has been informed or has reason to believe contain equipment, including but not limited to DSLAMs and splitters, that a carrier could employ to provide advanced service capabilities, including any form of DSL service. State the basis by which this determination was made, e.g., the NCNCI code associated with one or more loops connecting to the collocation, the disclosure of a PSD for equipment with the collocation. If some other means was used to make such determination, please describe.

OBJECTION: See Verizon's Objection to Request No. 10.